

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

IN RE: FTX CRYPTOCURRENCY  
EXCHANGE COLLAPSE LITIGATION

No: 1:23-md-03076-KMM

MDL No. 3076

This Document Relates To:

*Garrison v. Bankman-Fried*,  
No. 22-cv-23753-KMM

*Garrison v. Ohtani*,  
No. 23-cv-23064-KMM

*Garrison v. Golden State Warriors, LLC*,  
No. 1:23-cv-23084-KMM

*Norris v. Brady*,  
No. 23-cv-20439-KMM

**SPORTS AND ENTERTAINER DEFENDANTS’ RESPONSE TO PLAINTIFFS’  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs’ submission of *SEC v. Coinbase, Inc.*, 23-cv-4738-KPF (S.D.N.Y. Mar. 27, 2024) (ECF 560), has no bearing on the S&E Defendants’ Motion to Dismiss (ECF 271). Nor does it address any of the disputed issues that motion presents.

*Coinbase* concerns an SEC enforcement action against Coinbase, Inc., which operates a crypto-asset exchange platform like FTX. *Coinbase* holds in pertinent part that the SEC plausibly alleged “at least some” of the crypto-assets exchanged on the Coinbase platform constituted securities (ECF 560 at 41). Analogized to this case, *Coinbase* suggests that non-party FTX—not Defendants—could potentially be liable for the sale of crypto-assets or products like FTT or YBAs. But Defendants have never contested this proposition, and it is not relevant to Defendants’ Motion.

Defendants are not alleged to have ever mentioned FTT or YBAs. Rather, Plaintiffs allege that Defendants promoted the FTX platform itself. But, contrary to Plaintiffs' allegations (*see*, ECF 179 ¶771), the FTX platform is not a security, as would be necessary (but not sufficient) for Plaintiffs to state their claims. *Coinbase* does not suggest that an exchange platform is itself a security. Accordingly, *Coinbase* provides no guidance on the disputed issues Defendants' Motion presents.

Date: April 2, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 2, 2024, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, by using the CM/ECF system, causing a true and correct copy to be served on all counsel of record.

By: /s/ Jeffrey Neiman  
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